

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAVID L. HARVEY,

Petitioner,

vs.

Civil Action 2:12-cv-1146
Judge Graham
Magistrate Judge King

SAMUEL TAMBI, WARDEN,

Respondent.

ORDER

Petitioner, a state prisoner currently incarcerated in the Hocking Correctional Facility, brings this action for writ of habeas corpus pursuant to 28 U.S.C. §2254.

Petitioner challenges his conviction in the Richland County Court of Common Pleas. Richland County is within Ohio's northern federal judicial district, eastern division. 28 U.S.C. §115(a)(1). Because petitioner challenges the conviction of a state court within the Northern District of Ohio, but is in custody in the Southern District of Ohio, both districts have concurrent jurisdiction over the action. 28 U.S.C. §2241(d).

This Court has the discretion to transfer this action to the Northern District for hearing and determination. *Id.* A transfer to the Northern District is appropriate in this case, because it is the more convenient forum and the evidence is more readily accessible in the district where petitioner was convicted. *See, Bell v. Watkins*, 692 F.2d 999, 1013 (5th Cir. 1982); *see also, Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 497 n.13 (1973).

Accordingly, this action is hereby **TRANSFERRED** to the

United States District Court for the Northern District of Ohio,
Eastern Division.

December 12, 2012
(Date)

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge